

Lokpal of India  
Plot No. 6, Vasant Kunj Institutional Area - Phase-II  
New Delhi – 110070

Complaint No. : 105/2024 (arising out of Dy. No. 862024)

Date : 14.05.2024

Coram : Shri Justice A.M. Khanwilkar  
Chairperson

Shri Justice L. Narayana Swamy  
Judicial Member

Shri Justice Sanjay Yadav  
Judicial Member

Shri Sushil Chandra  
Member

Shri Justice Ritu Raj Awasthi  
Judicial Member

Shri Pankaj Kumar  
Member

Shri Ajay Tirkey  
Member

**ORDER**

1. Perused the complaint. We are disposed to condone the remarks made by the office in this report and entertain the complaint.



2. The complainant states that the Railway Board, Ministry of Railway introduced the scheme called "Liberalized Active Retirement Scheme for Guaranteed Employment for Safety Staff (LARSGESS) Group-D/2010". The scheme provides appointments to the children of Railway Employees who have completed service of 20 years and should have attained the age between 50-57 years. The Father of the complainant who fulfills the conditions of the scheme provided his son's candidature for consideration of the appointment. The conditions apply under the scheme to Railway Employees who are working as Gagman/Tracker. Complainant's father was the senior tracker.
  
3. The complainant was eligible for consideration for appointment under the said scheme. The scheme provides a two-stage test namely a written test and Physical Efficiency Test (PET).
  
4. The complainant has alleged that the Selection Committee constituted for selection under this scheme has indulged in illegality and committed acts of corruption. This was brought to the notice of



the CBI Office of Secunderabad, State of Telangana on 17.07.2017. The complainant also brought the same to the Additional General Manager of South Central Railway, Secunderabad. In response to the same, a letter has been addressed to the complainant by the South Central Railway, General Manager Office, Secunderabad dated 30.03.2021 and furnished information to the effect that six persons have been charge-sheeted and a penalty has been imposed.

5. The complainant further states that the punishment imposed is very lower side when compared to the gravity of the offence, and further some persons who have been indulged in corruption namely **XXXXXXXXX (name redacted for confidentiality)**, the then APO/Engg., S.C. Railway, Vijaywada and Superintendent of Police & HOB, Vishakhapatnam colluded in committing the offence, they have been let off from punishment. Whereas, **XXXXXXXXX (name redacted for confidentiality)** has been promoted to the higher cadre.



6. Having considered the complaint and the accompanying material, we are of the opinion that the cause brought before us by the complainant is hit by Section 53 of the Lokpal and Lokayuktas Act, 2013 (Act). For, on his own assertion the complainant alleges that the incident regarding corruption had occurred in the year 2012. Further, the complainant has stated that he had already resorted to complaint before the Central Bureau of Investigation (CBI) in the year 2017. In that case, nothing more needs to be done in the present case also because of Section 15 of the Act.
7. The only other grievance of the complainant, which is not per se an act of commission and omission to constitute an offence of corruption, is about giving lesser punishment to the public servants in the departmental proceedings. That cannot be the basis for us to initiate action under the Act. In as much as, the domain of the Lokpal of India is only to inquire, investigate and if so advised direct prosecution of cases involving corruption within the meaning of the Prevention of Corruption Act, 1988 (PC Act).
8. As a result, we decline to interfere in this complaint leaving other remedial measures available to the complainant to be pursued before the competent forum, if so advised. We may not be understood to have expressed any opinion either way in that regard.



9. The complaint is disposed of accordingly.

A handwritten signature in black ink, appearing to be the initials 'LJ'.

**(Court Master)**